



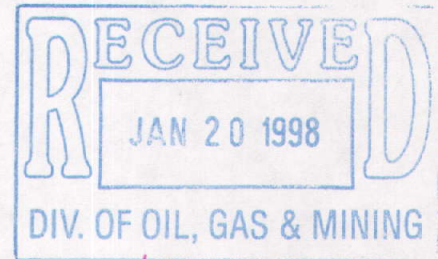
State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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May 1, 1996

*replacement  
Copy*

Ernie Butters  
Butters Construction  
760 North Harrisville Road  
Harrisville, Utah 84404

Re: Your Sand and Gravel Operation, Weber County, Utah

Dear Mr. Butters:

On April 17, 1996, the Division sent your son, Craig Butters, a letter requesting information about your operation located north of Pleasantview, Utah. In response, you telephoned our office and requested that we visit the site to determine if, and to what extent a permit from the Division would be required. On April 25, 1996, Mr. Lynn Kunzler of the Division's Mineral's Program met with you to inspect your operation (inspection memo attached).

As you are aware, the Utah Mined Land Reclamation Act (Title 40, Chapter 8, Utah Code Annotated, as amended) specifically exempts sand, gravel and rock aggregate from regulation by the Division. During Mr. Kunzler inspection, he observed that you were extracting sand and gravel from an unconsolidated deposit. It was also evident that some large rock is occasionally encountered that you are not able to crush for gravel. You indicated that these larger rocks are sold for landscaping purposes.

The legislative intent behind the categorical exclusion of rock aggregate, indicates that the legislators recognized that occasional large boulders may be encountered in unconsolidated sand and gravel deposits that may require blasting to otherwise remove this material. While we acknowledge that you are selling large stone (greater than 2-foot diameter) for landscaping purposes, this accounts for less than 5% of your overall production. We consider this to be incidental to your sand and gravel operation. We believe that the boulders being extracted in conjunction with your sand and gravel operation, fall within the legislative intent for the rock aggregate exclusion. Therefore, it is the Division's opinion that your present mining activities do not fall within our regulatory jurisdiction. You will not be required to file a Notice of Intention to Conduct Mining Operations with the Division at this time.



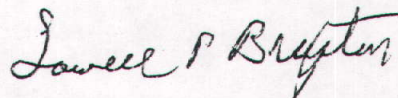


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Please note that the Division normally requires approved permits for the mining of landscape rock, dimension stone, decorative and/or building stone. Your operation is unique because you are mining an unconsolidated deposit to principally produce a sand and gravel rock product. If the condition of your quarrying operations change, such that you are mining predominantly consolidated rock materials, then your operation may fall under our regulatory jurisdiction. You would likely be required to file a Notice of Intention to Conduct Mining Operations at that time.

The Division appreciates your cooperation in resolving this matter. Should you have any questions in this regard, please contact us at your convenience.

Sincerely,



Lowell P. Braxton  
Associate Director, Mining

jb  
Attachment  
cc: Tammy Beard, Citizen  
Minerals Staff (route)  
Butters.let